

1

**CITY OF MILPITAS
455 E. CALAVERAS BOULEVARD
MILPITAS, CA 95035**

ENTERTAINMENT EVENT PERMIT
(Per Chapter 5, Title III, Milpitas Municipal Code)

1. Applicant, all sponsors and promoters of the event and all proprietary owners, partners and officers and directors of Applicant and said sponsors and promoters:

Name: Todd Flesner
Company/Organization Milpitas Rotary Club
Address: P.O. Box 360167
City: Milpitas State: CA Zip Code: 95036
Office Phone: 650-322-7277 Home: 408-942-0771 Cell: 408-921-0669 Fax: 650-322-2074
E-Mail: toddular@aol.com or todd@sternmortgage.com
(Use separate sheet for additional sponsors)

2. Proposed event location in Milpitas: Great Mall of the Bay Area - Parking Lot

3. All owners of real property where event is proposed to be held:

<u>Name</u>	<u>Address</u>	<u>City/State/Zip Code</u>
<u>Great Mall</u>	<u>447 Grea Mall Pkwy</u>	<u>Milpitas, CA 95035</u>
<u>(Use separate sheet for additional names)</u>		

4. Days, dates, times of event: May 11-14, 2006
- | |
|------------------------------------|
| <u>Th 5/11 (4:00 pm - 11 pm)</u> |
| <u>Fri 5/12 (4:00 pm - 11 pm)</u> |
| <u>Sat 5/13 (10:00 am - 11 pm)</u> |
| <u>Sun 5/13 (10:00 am - 11 pm)</u> |

5. Nature and type of event performances: Family style carnival with midway rides and attractions

6. Intended Performers:

<u>Name/Group</u>	<u>Nature of Participation</u>
<u>Butler Amusement</u>	<u>Carnival Vendor</u>
<u>Box 2110</u>	
<u>Fairfield, CA 94533</u>	
<u>(Use separate sheet for additional names)</u>	

SUBMIT COMPLETED FORM TO CITY CLERK

7. Estimated Number: Spectators: 500 - 1000

Participants: 500 - 1000
Workers: 50
Attendance Each Day: 500 - 1000
Media: _____

8. Method for determining number in actual attendance and basis for estimate: _____
Ticket sales / receipts from participants
9. Proposed facilities for furnishing drinking water (justify adequacy): _____
Public water supply. Drinking fountains located in Great Mall.
Vendor with beverages for sale (soft drinks & water)
10. Proposed sanitary facilities (justify adequacy): _____
Portable restroom facilities on site for use of participants (4)
Past events have had sufficient restroom facilities (experience)
11. Description of real property where event will occur (justify adequacy): _____
Parking lot of Great Mall of the Bay Area (See attached site map)
Provides sufficient 200x200 foot area for rides plus anticipated parking
12. Description of parking facilities, including compliance with ADA, parking attendants at entrance, exits and within area (justify adequacy): Parking area of Great Mall is designed to handle peak shopping traffic during Holiday season. Anticipated usage is far below this at this time of year.
13. Description of interior access ways (attach map or diagram and justify adequacy): _____
Access provided by Great Mall roadways with entrances from Montague and Main
14. Description of composition and construction of structure, seating arrangements and supports (justify adequacy): No permanent or temporary structures are to be erected. Butler Amusement provides commercial quality rides and attractions that undergo extensive inspection and state permitting processes.
15. Description of availability and location of ambulances, fire, police and other emergency vehicles: _____
Butler Amusement staff carry portable radios with communication to event office (on site) Cell phone to contact local emergency services
16. Description of interior private police or security protection proposed (justify adequacy): _____
Security to be provided by Advance Security (Den Dumas 925-755-3006)
In addition to Great Mall private security.

17. Description of provision for fire safety (justify adequacy): Fire extinguisher located at each ride.
All equipment and electrical inspected by fire dept. prior to operation.
18. Location, nature and type of medical and first aid facilities (justify adequacy): Butler Amusement
provides an onsite office location from which emergency medical aid can be directed
19. Description of proposed electrical wiring, lighting and location of all light standards and electrical switches: Electrical supply to be provided by portable generator with shielded electric supply lines to attractions. Fire Dept to inspect prior to event.
20. Description of manner of acquiring, handling, preparing and disposing of food, drink, confectionery and condiment and all substance and ingredients used in their preparation: Butler Amusement provides commercial quality concessions. All food handlers trained and Health Dept. cert.
handled by Butler Amusement.
21. Description of manner of cleanup of the premises during and after the conclusion of the entertainment event and for the removal of garbage, refuse and waste: Waste recepticals provided throught the entertainment area, emptied hourly in 60 yard dumpster that is brought on site for this event.
22. Any additional helpful information useful to process your permit: Procedes from this event are utilized by the Rotary Club for it's charitable activities in the City of Milpitas
This will be the fifth consecutive year that the Rotary Club has sponsored this family focused event for the community.

I declare under penalty of perjury that the above statements and any accompanying statements and documents have been examined by me and are true and correct. I have read Chapter 5, Title III of the Milpitas Municipal Code and agree to comply with the provisions of said Chapter 5, Title III, the permit, the conditions thereof and the laws of the City and State.

Executed at Milpitas, California, on April 24, 2006
(Date)

Signed: Todd Fliss

Title: Milpitas Rotary Club

Received By: Nancy Lavelle

Date: 4/24/06

rec'd 4/25/06

Permit Approved By City Council: _____

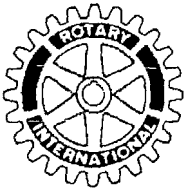
Date: _____

Permit Denied: _____

Date: _____

The following must be submitted at time of application for Entertainment Event Permit:

- A. A Filing fee of \$100.00 (not subject to refund upon withdrawal or denial); only \$15.00 for church or non-profit application.
- B. Proof of ownership of real property.
- C. Written consent of all owners of real property to the proposed entertainment event.
- D. Written consent of Applicant and all property owners that appropriate law enforcement agencies and City officials may enter upon the premises at any time after the permit is issued and until 5 days after the entertainment event ends for the purpose of making inspection and taking action as is permitted or required by law.
- E. Agreements or statements from specific doctors, first aid attendants and ambulances assuring availability at the appropriate time and place of the entertainment event.
- F. Agreements or statements from specific private patrol services assuring their availability at the appropriate time and place of the entertainment event to provide outside patrol services.
- G. Payment in an amount to be determined by the City Manager to cover the expense of outside police service provided by the City or an agreement to provide private security as shall be required or determined by the Chief of Police and to cover the expense to provide services of a Fire Marshal provided by the City.
- H. A public liability and property damage insurance policy issued by an insurance company authorized to do business in California, naming the City of Milpitas, its officers, agents and employees as co-insured in the amount of \$1,000,000 for each injury or death or for any occurrence and in the amount of \$250,000 for damage to property. Said policy shall be in the form acceptable to City Attorney and shall provide, by its terms that it is primary insurance and shall not be subject to cancellation or reduction in coverage without 10 days notice to City and shall not preclude City, its officers, agents and employees from recovery thereunder.
- I. The consent of a natural person residing in the County of Santa Clara who is, by virtue of the Application, designated as agent for the service of process for the Applicant, promoter or sponsor and the owners of the real property involved. Said consent shall contain both residence and business addresses.
- J. Permittee agrees to indemnify the City of Milpitas, its officers, agents and employees, defend them with Counsel acceptable to the City, and hold them harmless from and against all loss, damage, expense and liability (including, but not limited to, costs of investigation and attorney and court costs) resulting from injury to or death of any person and loss of or damage to property or claims of such injury, death, loss or damage and arising out of or connected with the use for which this permit is granted. In addition, permittee waives all claims or causes of action against the City of Milpitas, its officers, agents or employees for damage to or loss of property of any kind or for injury to persons occurring in connection with the use for which this permit is granted arising from any cause other than the negligence or willful misconduct of the City of Milpitas, its officers, agents or employees and to which permittee or its officers, agents and employees in no way contributed either actively or passively causing such damage loss or injury.



**U.S. Rotary Club & District
General Liability Insurance Program
2005-2006 Certificate of Insurance Request Form**

Page 1 of 1

Instructions

Complete and return this form by mail, fax, or email along with a copy of the certificate/insurance requirements from the organization requesting the certificate (if applicable) to:

Aon Risk Services, Inc. of Illinois, ACS

Address: P.O. Box 1128 Glenview, IL 60025-1128

Facsimile: 1-800-363-0105 Email: acs_chicago@ars.aon.com

The certificate will be issued within 24-48 weekday hours. Special requests may take longer to process.

Questions? Call Aon toll-free at 1-866-283-7122 (7:00 am-7:00 pm Mon-Fri, Central Standard Time)

Club or District Information

Club Name & Number	Milpitas Rotary Club	District Number	5170
Contact Name	Todd Flesner	Contact Phone Number	650-322-7277
		Contact Fax Number	650-322-2074

Certificate Holder Information (What entity is requesting proof of insurance?)

Entity Name	City of Milpitas
Address	455 East Calaveras Blvd., Milpitas, CA 95035
Contact	Mary Lavelle, City Clerk

Additional Insured Information

Is the certificate holder requesting additional insured status? ☐ No ☒ Yes

If yes, why is the certificate holder requesting additional insured status? They are:

☐ the site owner ☒ a municipality ☐ a vendor
☐ the lessor of equipment/personal property ☐ other (please explain _____)

Description/Reason for Certificate

Event Name (if applicable)	Milpitas Rotary family Carnival	Event Date(s) (if applicable)	May 11-14, 2006
Event Location-City and State (if applicable)	Great Mall of the Bay Area, Milpitas, CA		
Brief Description of the Event	Family style carnival with midway rides and attractions		

Distribution of the Certificate

Send an original certificate to	<input checked="" type="checkbox"/> Certificate Holder	<input checked="" type="checkbox"/> by mail <input type="checkbox"/> by e-mail (_____ @ _____)
	<input checked="" type="checkbox"/> Insured Club/District	<input type="checkbox"/> by facsimile (number: _____)
		<input type="checkbox"/> by mail (address: _____)
	<input type="checkbox"/> Other	<input type="checkbox"/> by facsimile (number: _____)
		<input type="checkbox"/> by e-mail (_____ @ _____)
		<input type="checkbox"/> by mail (address: _____)
<input type="checkbox"/> by e-mail (_____ @ _____)		
	<input type="checkbox"/> by facsimile (number: _____)	

Other Information

Remarks or other instructions			
Date Needed	5/4/06	Today's Date	4/24/06

For Office Use Only

APPROVED	DEPARTMENT	BY (Name & Phone Ext)	DATE
<input checked="" type="checkbox"/>	Building	Kayvan Irannegad X3244	4-25-06
<input type="checkbox"/>	City Manager		
<input type="checkbox"/>	Finance		
<input type="checkbox"/>	Fire Marshal		
<input type="checkbox"/>	Planning		
<input type="checkbox"/>	Police		
	Engineering		

If not approved by any department, explain why not, and what conditions applicant could change to receive department approval for the event: _____

APPROVED WITH CONDITIONS:

- * (1) Provide Portable & accessible restroom
- (2) Provide Accessible parking
- (3) Obtain electrical permit.

cc: City Council

For Office Use Only

APPROVED	DEPARTMENT	BY (Name & Phone Ext.)	DATE
	Building		
	City Manager		
	Finance	<i>C. Karl</i> X 3145	4/26/06
	Fire Marshal		
	Planning		
	Police		
	Engineering		

If not approved by any department, explain why not, and what conditions applicant could change to receive department approval for the event: _____

↓ Applicant and Butler Amusement must provide renewed insurance certificates. The additional issued is no longer Mervyns.

cc: City Council

For Office Use Only

<u>APPROVED</u>	<u>DEPARTMENT</u>	<u>BY (Name & Phone Ext)</u>	<u>DATE</u>
_____	<u>Building</u>	_____	_____
_____	<u>City Manager</u>	_____	_____
_____	<u>Finance</u>	_____	_____
<u>Y</u>	<u>Fire Marshal</u>	<u>J. GARCIA x 3369</u>	<u>5/2/06</u>
_____	<u>Planning</u>	_____	_____
_____	<u>Police</u>	_____	_____
	<u>Engineering</u>		

If not approved by any department, explain why not, and what conditions applicant could change to receive department approval for the event: _____

PLEASE SEE ATTACHMENT FOR NOTES
TO APPLICANT

cc: City Council



MILPITAS FIRE DEPARTMENT
BUREAU OF FIRE PREVENTION

455 E. Calaveras Blvd., Milpitas, CA 95035 (408) 586-3365, FAX (408) 586-3378

MEMORANDUM

DATE: May 2, 2006
TO: Mary Lavelle, City Clerk
FROM: Jaime Garcia
Cc: Patricia Joki, Albert Zamora
SUBJECT: CARNIVAL AT GREAT MALL (ROTARY CLUB CARNIVAL)
BY BUTLER AMUSEMENTS INC.
447 Great Mall Drive

NOTES TO APPLICANT

GENERAL REQUIREMENTS

1. Submitted information and drawings are not reviewed nor approved for fire permit(s). These notes are provided to assist with the Fire Department permit process.
2. A separate and independent permit is required from the Fire Department for each event. The permits shall be filed with the Milpitas Fire Prevention Bureau a minimum of two weeks prior to the event. A Fire Prevention Bureau application and the appropriate drawings (three sets) shall be filed with each application. Fire department permit is required to erect temporary membrane structures, tents or canopies. CFC Section 3203.
3. Plan review and inspection fees will apply for the fire permit process.
4. No approval for any Hazardous Materials (use or handling) under this permit.
5. No vehicles are permitted within the event area.
6. Flammable-liquid-fuel equipment shall not be used within the event area. Flammable and combustible liquids shall be a minimum of 50 feet from the event area.
7. Candles or other open flame shall be not be used within the event area.
8. All exits from the event area shall provide clear and unobstructed access to a public way.

9. Smoking shall not be permitted in the event area. Approved "NO SMOKING" signs shall be conspicuously posted.
10. Fire apparatus access road with an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided to the event area. CFC (2001 California Fire Code) Sections 902.2.2.1. PROVIDE MINIMUM 20' CLEAR AISLE BETWEEN EVENT SETUPS.
11. Fire equipment and appliances (hydrants, fire department connection valves, etc) shall remain clear and unobstructed.
12. The maximum travel distance (from anywhere in the event area) to a portable fire extinguisher shall not exceed 75 feet. Fire extinguishers shall be provided throughout the site. Fire extinguishers shall be type 2-A:10-B:C. CFC Section 2504.2.3.2.
13. Provide additional fire extinguishers as follows: Provide at least one fire extinguisher for each kitchen, mess hall, power generator or transformer, and locations where flammable or combustible liquids are used, and as per the Fire Department inspector. Provide a 40-B:C (or K) rated dry chemical fire extinguisher shall be provided where deep-fat fryers are used. CFC Section 2504.3.3.
14. Cooking equipment shall be located a minimum of 10 feet from temporary membrane structures, tents, and canopies.
15. Outdoor cooking that produce sparks or grease-laden vapors shall not be performed within 20 feet of a non-cooking temporary membrane structure, tent, or canopy.
16. Generator(s) and other internal combustion power sources shall be separated from the event area a minimum of 20 feet and be isolated from contact with the public by fencing, enclosure or other approved means. A minimum of one fire extinguisher with a rating of not less than 2-A:10B:C shall be provided at the generator location. CFC Section 2504.4.4.
17. All electrical equipment and installation shall conform to the to the California Electrical Code. CFC 2504.2.4.
18. Concession stands utilized for cooking shall have a minimum of 10 feet of clearance on two sides and shall not be located within 10 feet of amusement rides or devices. CFC 2504.3.2.


TENT REQUIREMENTS

1. Non-fire-retardant tents and canopies and membrane structures. No permit is granted with this review for tents and membrane structures over 200 square feet and canopies over 400 square feet. CFC Section 3201.
2. Tents, membrane structures and canopies over the specified sizes noted above shall be of flame-retardant materials. The sidewalls, drops, and tops of all tents, and canopies shall be of

flame-retardant materials or shall be made flame retardant in an approved manner. Certificates of flame resistance shall be made available upon request. CFC Section 3207.

3. Temporary membrane structures, tents and canopies shall not be located within 20 feet of property lines, buildings, temporary membrane structures, other tents and canopies, parked vehicles or internal combustion engines. For the purpose of determining required distances, support ropes and guywires shall be considered as part of the temporary membrane structure, tent or canopy. Section 3205.2 CFC
4. The grounds outside and adjacent to or within 30 feet of temporary membrane structures, tents, and canopies shall be kept free and clear of combustible wastes. Such wastes shall be stored in approved containers until removed from the premises. Section 3221.4 CFC
5. Temporary membrane structures, tents, and canopies and their appurtenances shall be adequately braced and anchored to prevent weather-related collapse. Documentation of structural stability shall be furnished to the Fire Chief upon request. Section 3206.1 CFC
6. Temporary membrane structures, tents, and canopies shall have a permanently-affixed label bearing the following information (3207, CFC):
 - a. Identification of temporary membrane structure, tent, or canopy, size and fabric or material type;
 - b. For flame-resistant materials, necessary information to determine compliance with this standard;
 - c. For flame-retardant treated materials, the date that the temporary structure, tent, or canopy and other combustible materials were last treated with an approved flame retardant;
 - d. The trade name and type of flame retardant utilized in the flame-retardant treatment;
 - e. The names of the person and firm that applied the flame retardant.
7. Smoke shall not be permitted in any temporary membrane structure, tent or canopy, or in any adjacent areas where hay, straw, or any other combustible materials are stored or used unless approved by the Fire Marshal. Approved "NO SMOKING" signs shall be conspicuously posted. Section 3215.1 CFC
8. Cooking and heating equipment is not permitted within tents.

For Office Use Only

<u>APPROVED</u>	<u>DEPARTMENT</u>	<u>BY (Name & Phone Ext.)</u>	<u>DATE</u>
_____	<u>Building</u>	_____	_____
_____	<u>City Manager</u>	_____	_____
_____	<u>Finance</u>	_____	_____
_____	<u>Fire Marshal</u>	_____	_____
	<u>Planning</u>	<u>CINDY HDM x 3284</u>	<u>5/3/06</u>
_____	<u>Police</u>	_____	_____

If not approved by any department, explain why not, and what conditions applicant could change to receive department approval for the event: _____

cc: City Council

MAY 3 2006

RECEIVED



MEMORANDUM
Planning Division

To: Mary Lavelle

Through: Tom Williams

From: Cindy Hom, Jr. Planner

Date: ~~February 14, 2006~~ 6/3/2006

Subject: P-AD2006-7 – Application for Entertainment Permit for Rotary Club Carnival at Great Mall

The Planning Division has reviewed the Entertainment Permit for the Rotary Club Carnival in the southern portion of the parking lot at the Great Mall Parking lot near Falcon Drive and the outer ring road. This event is approved subject to the following conditions:

1. The carnival is permitted to occur from May 11, 2006 to May 14, 2006 during the following hours:
 - Thursday 4:00PM – 11:00PM
 - Friday 4:00PM – 11:00PM
 - Saturday 10:00AM-11:00PM
 - Sunday 10:00AM – 11:00PM
2. The event setup is approved to begin on Monday, May 8, 2006 and tear down to be completed by May 15, 2006 where all area and properties involved shall be restored to their previous condition.
3. The approved event area is limited to Great Mall parking lot located south of Anchors H and J, near Falcon Drive and the outer ring road as depicted on the site plan.
4. The event shall be conducted in a manner that pedestrian traffic or vehicular traffic does not impede the normal and customary use of the driveways, designated walkways and parking areas adjacent to event area. Handicapped parking facilities, access and pathways outside the event area shall be kept clear and unobstructed.
5. Booths, stages, seats and other structures shall not obstruct pedestrian access and pathways within the enclosed event area.
6. Trash and recycling receptacles shall be provided and maintained throughout the event area. The applicant must contact Richard Su at BFI at (408) 432-1234 for temporary trash and recycling services and bins for the duration of the event. The bins shall be located at the rear of the event site, not visible from public view and not within any pedestrian or vehicular paths. The applicant may need to contact a Great Mall representative in order to establish a temporary BFI account on the Great Mall property.
7. Applicant shall protect storm drains from accidental discharges by providing site sweeping and clean up on an on-going basis during all hours of operation by the event operator and its employees (Butler Entertainment) and the property owners (The Mills Corporation), including refuse, debris, spills, and trash pick up by BFI.

8. No off site signage is permitted. Any onsite signage associated with the event shall be limited to carnival booth signs and traffic/pedestrian directional signage. Upon cessation the event all associated signage shall be removed and properly disposed of.
9. Any violation of the conditions of approval may result in the revocation of the Entertainment Permit and shall require the event to cease operations immediately.

For Office Use Only

APPROVED	DEPARTMENT	BY (Name & Phone Ext)	DATE
_____	Building	_____	_____
_____	City Manager	_____	_____
_____	Finance	_____	_____
_____	Fire Marshal	_____	_____
_____	Planning	_____	_____
<u>SA</u>	Police	STEVE PANGELINAKI X2426	4-28-06
	Engineering		

If not approved by any department, explain why not, and what conditions applicant could change to receive department approval for the event: _____

NOTE:

* SECURITY PLAN AS DESCRIBED BY ADVANCE SECURITY: *

2 GUARDS: 4PM TO CLOSING [WEEKDAYS]

1 GUARD: OPENING TO 6PM [SAT/SUN]

2 GUARDS: 6PM TO CLOSING [SAT/SUN]

cc: City Council

O.K. SA

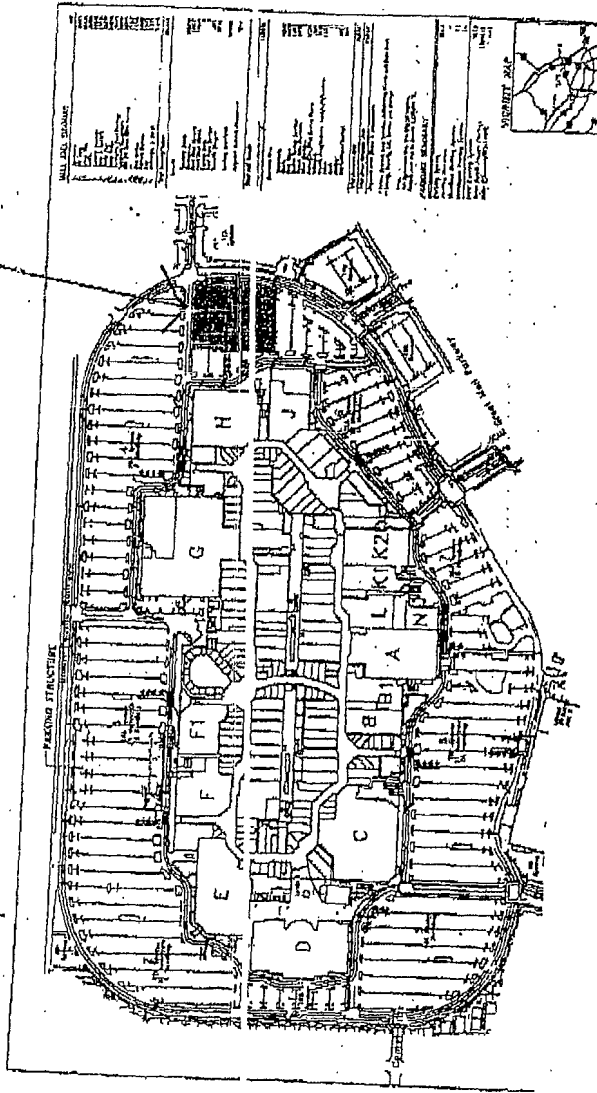
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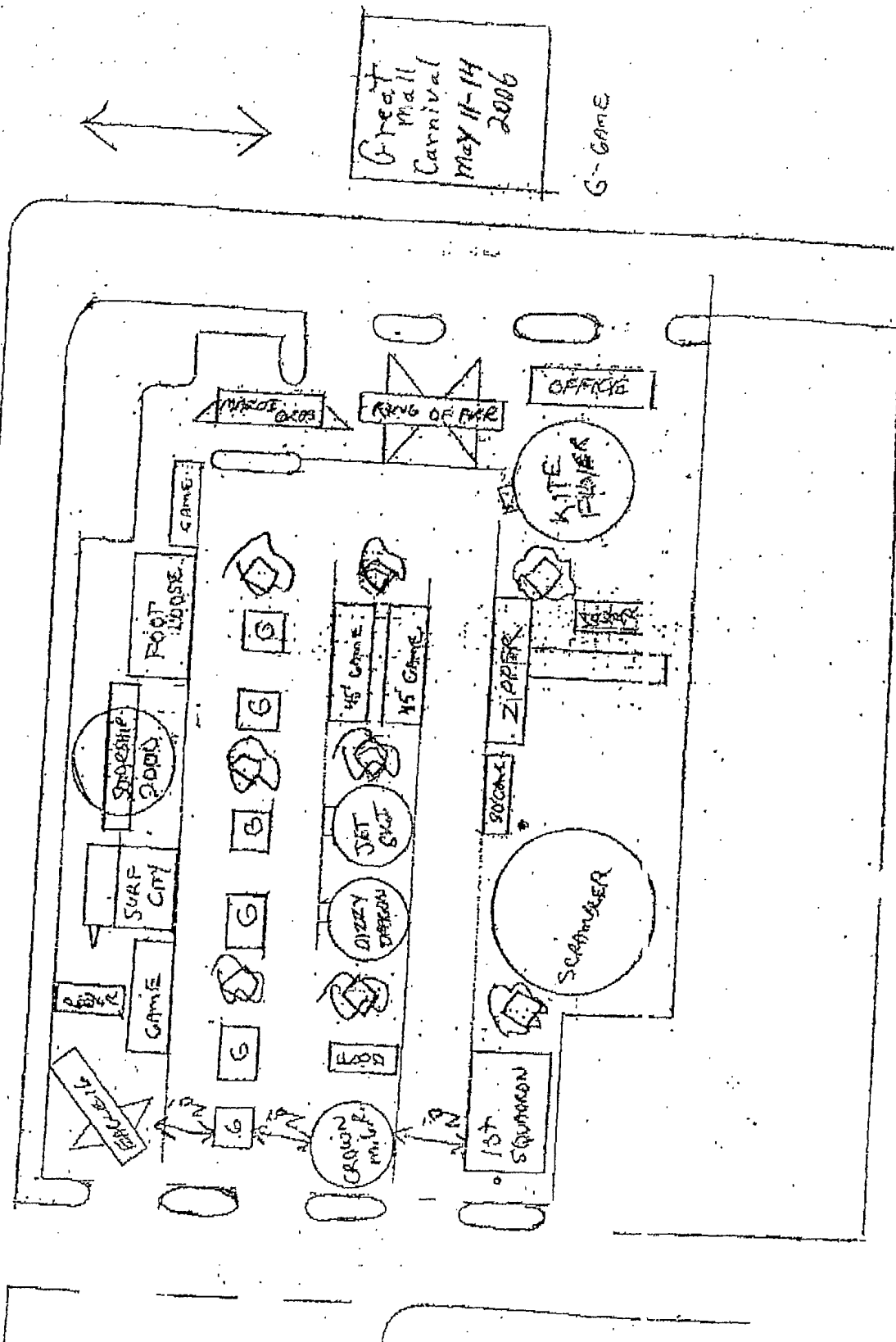
FAX NO. 6503222074
BUTLER AMUSEMENTS INC.

APR-24-2006 MON 04:41 PM STERN MORTGAGE
04/24/06 MON 14:00 FAX 707 429 4787

Great Mall Carnival
May 11-14, 2006

Carnival Location





Reminder: AOL will never ask you to send us your password or credit card number in an email. This message has been scanned for known viruses.

From: Tuchschnidt, Julie
To: rbyrum2571@aol.com
Subject: Butler Amusement Carnival at Great Mall
Date: Mon, 24 Apr 2006 16:38:33 -0400

Hi Rich,

I just wanted to confirm that we are in agreement to have Butler Amusement operate a Carnival at Great Mall for the date of 5/11 thru 5/14. You are confirmed for the exact location which you previously held in Mar 06 at the South end of the parking lot between Marshalls and Off Fifth. I have mailed the agreements in triplicate for your review, signing and return. Once, our General Manager has finalized with his signature I will return one fully executed copy for your records.

If you have any further questions please don't hesitate to contact me.

Thank you,
Julie

Julie Hansson
Specialty Leasing Manager
Great Mall
447 Great Mall Parkway
Milpitas, CA. 95035
julie.tuchschnidt@themills.com
408-945-4022-Bus
408-945-4027-Fax

There's always traffic on Maintreet